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COMMITTEE ON THE RIGHTS OF THE CHILD

Eleventh session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Mongolia

1. The Committee considered the initial report of Mongolia (CRC/C/3/Add.32) at its 264th to 266th meetings (CRC/C/SR.264-266), held on 10 and 11 January 1996 and adopted* the following concluding observations:

A. Introduction

2. The Committee expresses its appreciation to the Government of Mongolia for the submission of its initial report, its written information in reply to the questions set out in the list of issues (CRC/C.11/WP.2) and its constructive and fruitful dialogue. The Committee is encouraged by the frank and cooperative tone of the discussion, in which the representatives of the State party indicated not only the policy and programme directions, but also the difficulties encountered during implementation of the Convention.

B. Positive aspects

3. The Committee takes note with satisfaction that the Government has put children high on its political agenda, during a difficult period of political and economic transition, by organizing several high-level meetings such as the National Summit on Child Protection and Development (1995), by declaring 1995 the Year for Children and 1996 the Year for Education, and by allocating 20 per cent of its national budget to education.

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* At the 287th meeting, held on 26 January 1996.

4. The Committee welcomes the State party's wish to seek advice and technical assistance to ensure full implementation of the provisions of the Convention on the Rights of the Child in its legislation and in the field of the administration of juvenile justice.

5. The Committee notes the efforts by the Government in the field of law reform, especially the adoption of a new Constitution, a new Law on Education and the current drafting of legislation on the rights of the child.

6. The Committee also welcomes the establishment of mechanisms to deal with children's issues and the question of children's rights, in particular the National Centre for Children (NCC) and the National Council for Children.

7. The Committee is encouraged by the Government's willingness to disseminate the Convention on the Rights of the Child within Mongolian society and to make public through the media, and especially television programmes, all its related actions.

C. Factors and difficulties impending the implementation of the Convention

8. The Committee notes the difficulties facing Mongolia in the present period of political transition, social change and deep economic crisis. The situation of many children has worsened as a consequence of growing poverty and increasing unemployment. The Committee also notes the geographical and climatological particularities of the State party which can, to some extent, affect the daily life of children.

D. Principal subjects of concern

9. The Committee is worried about the impact on children of the difficult economic situation prevailing in the country. In this connection, it is particularly concerned as to whether appropriate measures have been undertaken to protect children, particularly those belonging to the most vulnerable groups, in the light of articles 3 and 4 of the Convention.

10. The Committee is concerned at the insufficient attention paid to the need for an efficient coordination mechanism between various ministries, as well as between central authorities and local authorities, in the implementation of policies for the promotion and protection of the rights of the child.

11. The Committee is concerned at the insufficient attention paid to systematic and comprehensive data collection, identification of appropriate indicators and monitoring mechanisms in all areas covered by the Convention, especially the most hidden such as child abuse or ill-treatment, but also in relation to all groups of children including minority group children, nomad children, children of single-parent families, children in rural areas, institutionalized and disabled children, and children living and/or working on the streets.

12. The Committee expresses its concern that the State party has not yet taken fully into account in its legislation the general principles of the Convention: article 2 (principle of non-discrimination), article 3 (principle of the best interests of the child), article 6 (right to life, survival and development) and article 12 (respect for the views of the child).

13. The Committee is concerned at the insufficient steps undertaken to ensure birth registration of children and by the fact that children living in remote areas might not be registered and therefore be deprived of their fundamental rights.

14. The Committee is worried by the absence of legislation regulating international adoptions.

15. The Committee is worried by the high rate of school drop-outs, especially among boys living in rural areas, and the reported increase of child labour. It is also concerned by the difficulties encountered by children living in rural and remote areas and by disabled children in their access to basic services such as health care, social services and education.

16. The Committee is concerned that appropriate measures have not yet been taken to prevent and combat effectively ill-treatment of children within the family and about the insufficient information existing on this matter. The problem of sexual exploitation of children also requires special attention.

17. The situation in relation to the administration of juvenile justice and in particular its compatibility with articles 37 and 40 of the Convention, as well as other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, is a matter of concern to the Committee.

E. Suggestions and recommendations

18. The Committee recommends that the State party take further steps to strengthen coordination between the different governmental mechanisms involved in human rights and children's rights, at both central and local levels, and ensure closer cooperation with non-governmental organizations.

19. The Committee further recommends that the State party undertake to gather all necessary information on the situation of children in the various areas covered by the Convention, including on children belonging to the most vulnerable groups. It also suggests that a multidisciplinary monitoring system be established to assess the progress achieved and difficulties encountered in the realization of the rights recognized by the Convention at the central and local levels, and in particular to monitor regularly the effects of economic change on children. Such a monitoring system should enable the State party to shape appropriate policies and to combat prevailing social disparities and traditional prejudices. The Committee also encourages the State party to consider the establishment of an independent mechanism, such as an ombudsperson.

20. The Committee is of the opinion that greater efforts are required to make the provisions and principles of the Convention widely known and understood by adults and children alike, in the light of article 42 of the Convention. The Committee wishes to encourage the State party to further develop a systematic approach to increasing public awareness of the participatory rights of children in the light of article 12 of the Convention.

21. The Committee recommends that periodic training programmes on the rights of the child be organized for professional groups working with or for children including teachers, law enforcement officials, social workers and judges, and that human rights and children's rights be included in their training curricula.

22. Children's birth registration should be given priority to ensure that every child is recognized as a person and enjoys his/her full rights. The Committee encourages further steps to ensure birth registration of children, including the establishment of mobile registrations offices.

23. In the light of article 2 of the Convention, the Committee also recommends that the State party take all necessary measures to fight school drop-out among boys in rural areas and to prevent their involvement in child labour, and to reinforce the access to basic services for children (health, education and social care) in rural areas and for disabled children throughout the country.

24. The Committee recommends that, in the framework of its legal reform, the Government take fully into account the provisions of the Convention on the Rights of the Child, especially its general principles (arts. 2, 3, 6 and 12).

25. In relation to intercountry adoption, the Committee is of the opinion that the State party should, as soon as possible, draft and adopt legislation to regulate this activity. The State party is also encouraged to ratify the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

26. In order to promote the protection of refugee children, the Committee recommends that the State party ratify the 1951 Convention relating to the Status of Refugees.

27. The Committee encourages the Government of Mongolia to pay particular attention to the full implementation of article 4 of the Convention and to ensure judicious distribution of resources at the central and local levels. Budget allocations for the implementation of economic, social and cultural rights should be ensured to the maximum extent of available resources and in the light of the best interests of the child.

28. In the light of article 19 of the Convention, the Committee further recommends that the Government take all appropriate measures, including legislative ones, to combat ill-treatment within the family and sexual abuse of children. It suggests, inter alia, that the authorities gather information and initiate a comprehensive study to improve understanding of the nature and scope of the problem and set up social programmes to prevent all types of child abuse.

29. In the field of the administration of juvenile justice, the Committee recommends that legal reform be pursued and take fully into account the Convention on the Rights of the Child, in particular articles 37, 39 and 40, and other relevant international standards in this field, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to the prevention of juvenile delinquency, the protection of the rights of children deprived of their liberty, respect for fundamental rights and legal safeguards in all aspects of the juvenile justice system and full independence and impartiality of the judiciary dealing with juveniles.

30. In the framework of the ongoing technical assistance programmes of the Centre for Human Rights and the Crime Prevention and Criminal Justice Branch, law reform in the field of children's rights and training of professionals working with children should be initiated. Special attention should be paid to training in the relevant international standards, in particular for judges, law enforcement officials, correctional officers and social workers. The Government is encouraged to consider requesting this specific assistance from the Centre for Human Rights and the Crime Prevention and Criminal Justice Branch. It is further suggested that the Government consider seeking technical assistance from other relevant organizations, including International Labour Organization, United Nations High Commissioner for Refugees, United Nations Children's Fund and World Health Organization. The Committee also encourages the international community to provide technical assistance and advice to the State party in its current efforts.

31. The Committee encourages the State party to disseminate widely the State party's report, the summary records of the discussion of the report within the Committee and the concluding observations adopted by the Committee following its consideration of the report. The Committee would like to suggest that these documents be brought to the attention of Parliament and that the suggestions and recommendations for action contained therein be followed up. In this regard, the Committee suggests that cooperation with non-governmental organizations be reinforced.